

May 20, 2016

A Special Meeting of Town Council was held on the above date at 8:45 a.m., all requirements of the Freedom of Information Act having been satisfied.

Present were: Patrick M. O'Neil, Mayor
Sarah Church, Councilmember
Mark Howard, Councilmember
Rita Langley, Councilmember
Susan Middaugh, Councilmember

Mayor O'Neil called the meeting to order at 8:47 a.m. and stated the press and public had been notified in accordance with State Law. There were no members of the public or media present. Mayor O'Neil stated the purpose of the meeting was to have Executive Session with Attorney Linton for legal advice of proposed settlement regarding Sullivan's Island Wild Olive Group, LLC, Sullivan's Island Wild Olive Restaurant Group, LLC, d/b/a The Obstinate Daughter v. Town of Sullivan's Island 2015-CP-10-0449.

Motion was made by Councilmember Middaugh, seconded by Councilmember Howard, to go into Executive Session at 8:48 a.m., approved by a vote of 4, with Councilmember Church abstaining.

Motion was made by Councilmember Langley, seconded by Councilmember Howard, to come out of Executive Session at 8:58 a.m., carried unanimously.

Mayor O'Neil stated that no votes or actions were taken during Executive Session.

Attorney Linton gave a brief overview of the settlement agreement. Sullivan's Island Wild Olive Group, LLC, Sullivan's Island Wild Olive Restaurant Group, LLC, d/b/a The Obstinate Daughter agreed as part of the settlement, to never try to expand the use of the restaurant or any other outdoor seating/expansions of any kind. Also agreed, there will be a restrictive covenant that will be filed at the Register Mesne Conveyance Office (RMC) in the Chain of Title. Other provisions of the settlement include:

- The seating will be limited to 20 seats in the 520 sq. foot area in the front of the building.
- The seating will not overlap with *The Beardcat's Sweet Shop* below.
- The seating will be subject to the Noise Ordinances, however, there will be no outdoor entertainment or speaker systems of any kind.
- The tables may have umbrellas, and sometimes portable heaters, but there will be no large tents, canopy's, awnings, or other structures at all.
- The outdoor seating area will be clear of food, drink, and patrons by 11p.m. each night.
- The lighting will be non-intrusive and governed by the Zoning Ordinance.

This settlement is binding on the current property owner, lessor, and any future transfers to anyone. Any future restaurants that open on that property will also be bound by the agreement.

Sullivan's Island Wild Olive Group, LLC, Sullivan's Island Wild Olive Restaurant Group, LLC, d/b/a The Obstinate Daughter agreed that if any of said provisions are breached in any way, they will forever lose any privileges to any outdoor seating.

The Town of Sullivan's Island will file a motion with the Court to enforce the settlement agreement. The Town will then sign off on an order that allows that to happen in the future if there ever was a breach.

Motion was made by Councilmember Middaugh, seconded by Councilmember Howard to approve the proposed settlement regarding Sullivan's Island Wild Olive Group, LLC, Sullivan's Island Wild Olive Restaurant Group, LLC, d/b/a The Obstinate Daughter v. Town of Sullivan's Island 2015-CP-10-0449 at 9:11 a.m., approved by a vote of 4, with Councilmember Church abstaining.

Motion was made by Councilmember Howard, seconded by Councilmember Middaugh, to adjourn at 9:12 a.m., carried unanimously.

Respectfully submitted,



Courtney Liles